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STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
ENVIRONMENTAL SERVICES

IN RE: A Technically Complete Type III
Construction and Demolition
Solid Waste Permit Application
and Environmental Assessment
Statement for St. Gabriel
Redevelopment, LLC St. Gabriel
Redevelopment Construction and
Demolition Type III Landfill
Iberville Parish, La

* * * * *

The above-entitled cause came in for a
public hearing at the St. Gabriel Community
Center, 1400 Gordon Simon Leblanc Drive,
St. Gabriel, Louisiana on Tuesday, May 6,
2008, commencing at 6:20 p.m.

REPORTED BY:

TARA TORRES
CERTIFIED COURT REPORTER IN
AND FOR THE STATE OF
LOUISIANA

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MR. THERIOT:

Good evening. I'd like to
apologize again for the delay.
we're getting ready here. And just
to give you a little background
before I get into the formalities.
I am the hearing officer. I'm an
attorney with the DEQ. My name is
Perry Theriot. I'll be conducting

the meeting.

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1 The way this public hearing goes
2 usually, I'm going - I'm required
3 by statutes to read into the Record
4 a bunch of things that I'm about to
5 read to you and I wanted you to just
6 have a little understanding that
7 we're required to read these into
8 the Record for the Court Reporter
9 before we start. So with that
10 little bit, if you - if it seems a
11 little wooden I apologize. I do the
12 best I can when I'm reading off of
13 this script. So with that going I'm
14 going to go ahead and hammer the -
15 the public hearing into order. It
16 is 6:20 and we're going to begin
17 now.

18 Good evening. Let the Record
19 reflect that the time is 6:20 p.m.
20 My name is Perry Theriot. I am
21 employed with the Louisiana
22 Department of Environmental Quality.
23 I will be serving as the hearing
24 officer this evening, Tuesday, May
25 6, 2008. This hearing is scheduled

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1 to accept public comments concerning
2 the Technically Complete Type III
3 solid waste permit application and
4 the Environmental Assessment
5 Statement (EAS) for St. Gabriel
6 Redevelopment, LLC, for the proposed
7 St. Gabriel Redevelopment Type III
8 Construction and Demolition Debris
9 Landfill Carville, Iberville Parish,
10 Louisiana.

11 Agent Interest Number 152065 and
12 Activity Tracking Number
13 PER20070001. The site is located at
14 5981 Highway 75 Carville, Iberville
15 Parish. St. Gabriel Redevelopment
16 LLC proposes to construct a Type III
17 Construction and Demolition Debris
18 Landfill. The EAS submitted by the
19 applicant addresses avoidance of
20 potential and real environmental
21 effects balancing of social,
22 economic benefits against the
23 environmental impact costs and
24 alternative site projects in
25 mitigative measure.

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1 This Hearing is not being
2 conducted in a question and answer
3 format. Please remember that the
4 purpose of this public hearing is
5 for DEQ to receive your comments
6 concerning the technically complete
7 Type III solid waste permit
8 application and the EAS.

9 This hearing is to provide all

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individuals a chance to be heard regardless of their position on the technically complete Type III solid waste permit application and the EAS. Courteous behavior is expected of everyone at all times. You may speak in support of the permitting action, in opposition to the permitting action or simply to provide additional information. All interested parties will be given a reasonable opportunity to comment unless testimony is not related to the purpose of the hearing.

All your comments heard and transcribed during the hearing and

all written comments received during the comment period will be evaluated and addressed in the department's written response.

A public notice advertising this public hearing and request for public comment on the technically complete Type III solid waste permit application and the EAS was published in The Advocate of Baton Rouge on April 10, 2008, The Gonzales Weekly of Gonzales on April 11, 2008, and The Post South of Plaquemines on April 17, 2008. In addition copies of the public notice were mailed to individuals who have requested to be placed on the mailing list maintained by the Office of Environmental Services on April 9, 2008.

A copy of the technically complete Type III solid waste permit application and EAS is available for inspection and review at the LDEQ Public Records Center room 127, 602

North 5th Street Baton Rouge, Louisiana. Visiting hours are 8:00 a.m. to 4:30 p.m. Monday through Friday except holidays. The available information can also be accessed electronically on the Electronic Data Management System, EDMS, on the DEQ public website at www.edq.louisiana.gov.

Additional copies may be reviewed at the Iberville Parish Library, the East Iberville Branch, 5750 Monticello Street, Saint Gabriel, Louisiana 70776. Ascension Parish library, Gonzales Branch, 708 South Irma Boulevard, Gonzales, Louisiana 70737 and at the Iberville Parish Counsel, 55 - 58050 Marion Street, Plaquemines, Louisiana 70565.

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In accordance with the Louisiana Administrative Code Title 33 Part VII, Section 509.F.7, comments received by 12:30 p.m. Monday, June 9, 2008 will be considered prior to

a final decision. All comments received by 12:30 p.m. June 9th, 2008 shall be retained by the department and considered in determining whether to issue or deny the solid waste permit.

Written comments on this technically complete Type III solid waste permit application may be submitted to Ms. Soumaya Ghosn, LDEQ-OES Environmental Assistance Division, Post Office Box 4313 Baton Rouge, Louisiana 70821-4313.

Under Louisiana Revised Statutes 302017 as revised by the legislature in the 2004 session, the department is required to follow the following order with the provision that the presiding officer may give preference to a public official to speak at any time during the hearing. However, any time limit set for citizen testimony shall apply to public officials.

The department must provide up

to 30 minutes to the permit applicant for an introductory presentation. Thereafter, preference for speaking up to one hour is given as follows. For the first hour, to those citizens who live within a two-mile radius of the location of the proposed facility. For the second hour, to those citizens who work within a two-mile radius of the location of the proposed facility. And for the third hour for those citizens who live within the parish of the location of the facility. Thereafter, each hour the hearing shall alternate between those who are in support of the permitting action and those who are opposed to the permitting action.

The order of tonight's hearing will be based on the information provided by the speaker on the speaker registration form. Anyone who registered to speak, but did not

provide the necessary information will be given the opportunity to speak, however, they will be called last in the order of registration.

This hearing is being

transcribed therefore I will ask each speaker to begin by stating for the Record their name, address, and any organization he or she may represent. At this time I have received the request for the Mayor, Mr. Grace, as a public elected official, to begin the hearing and I ask him to come up.

I will try and limit everybody on the first round to five minutes because of the number of people here for the first hour. If you want to speak again we will allow you to come back at the end after everyone has spoken.

MR. GRACE:

Good afternoon. I felt that it was appropriate as the mayor to initiate this discussion and to

bring into focus what the role of the mayor and the government of the City of St. Gabriel with regard to a facility of this type.

And I want to just give you just a little background as to I guess how this - how we got to some extent to this point.

For the last 10 to 12 years the City has been operating a dump that was not certified by DEQ. This dump was - has been operated in what we call the Peterville Section on some land that was being owned and what basically happened is we, and when I'm saying "we" I'm saying the City, collects all debris that the citizens of St. Gabriel decide to discard and we would place it in this facility. And, of course, it was locked and what have you and we tried to control it as best as possible.

This worked up until the time of Hurricane Katrina when we were

actually for a short while certified by DEQ to dispose of tree limbs and the furnishings and all these kinds of things that are placed for citizens by citizens for us to dispose of.

After Katrina for various reasons DEQ withdrew their certification and the City attempted to try to get our certification of a dump of this type on our own, but we were unsuccessful.

Now, I really I thought this was a different format tonight. I really thought it was something that - where you could just, you know,

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just find out exactly what a Type III dump is and its effects on the environment. And I think I have some knowledge, but I'm not an expert. I thought we would bring the experts to actually explain these things.

But basically, what I have been told and I hope that, you know, we

can at least get some information pertaining to this, is that this site would be a construction, materials and demolition, CMD waste landfill. That there would be no hazardous waste, there would be no garbage, and anything that would create any kind of negative effects on the surrounding communities.

And, of course, that is what, you know, the facts that I've been able to uncover has revealed. Now, as I said I was hoping that this would be a different kind of situation. Not just, you know, us expressing our opinions and DEQ then coming later to make a decision. What I was hoping was that we would just actually find exactly what kind of materials could be discarded at this site.

And, as I said, my understanding is that it would be non-hazardous material and it would be concrete and wood and bricks and things of

that nature. And if that is the case, then I submit to you that there has to be somewhere in the 96 square miles that constitute as this city for us to be able to put some kind of trash.

After DEQ shut down the temporary site that we had, we have nowhere now to put anything in St. Gabriel. We don't have - it can be a dresser or whatever that's put out there, we don't have anywhere to put it. And we don't want to be in violation of any laws. So when these people came forward with this kind of dump that as it has been explained to me, then, of course, I had no objection to that because this is similar to what we've been doing in St. Gabriel ever since the City has been in existence.

So I don't know whether or not, you know, that's accurate. It's accurate as far as I know. But if there's some other information that

- about a Type III construction and
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2 demolition dump that somebody else
3 has that would make it something
4 that we don't want in St. Gabriel,
5 then I'm all ears. I need to know
6 that.

7 But as I understand it, this is
8 the kind of situation that we have.
9 And I also know that where the
10 proposed site is is not very far
11 from where we were doing it, where
12 we were - we had as of last year
13 that we were operating. And there's
14 over 100 acres of land there. So I
15 wouldn't think that it would - I
16 know there would have enough land
17 area to have this site.

18 But as far as I know, the facts
19 are that it's a construction and
20 demolition dump. It's not a garbage
21 dump. It's not a toxic waste dump.
22 It's not any of the things that we
23 hear or we see on television that
24 citizens are vehemently opposed to.
25 So I wanted to say that. And if

0016 anybody else has any information
1 you're welcome to come forward.
2 Thank you.

3
4 MR. THERIOT:

5 Thank you, Mayor. At this time
6 the statutes require that we give
7 the facility, if it so chooses, a
8 chance to make a presentation. Are
9 there any representatives here from
10 the proposed facility who wants to
11 make a presentation?

12 Let the Record reflect that the
13 facility has not chosen to make a
14 presentation and we'll proceed with
15 the rest of the order. All right,
16 now. We will begin with all the
17 people who have signed up who live
18 within two miles of the facility.
19 Our first speaker I have signed up
20 is a Ms. Marcia Hardy. Ms. Hardy?

21 MS. HARDY:

22 I'm going to try to speak as
23 rapidly as I can because I've
24 prepared comments for this meeting,
25 but I did not recognize - I did not

0017 recognize that they were going to
1 limit it to five minutes, so I ask
2 your indulgence, please. I'll try
3 to go rapidly, but I ask your
4 indulgence.

5
6 MR. THERIOT:

7 Okay. Only the first round.
8 I'll direct you a little bit, you
9 know, in access. If you want to
10 pick up at the end, of course,
11 you're allowed to come back and we
12 will hold it open for you to speak

again.

MS. HARDY:

Okay. Thank you. My name is Marcia Hardy. I live at 4765 Point Clare Road in St. Gabriel. Good evening. I'd like to thank you for holding this public hearing on the proposed construction and demolition debris landfill that's been proposed by the St. Gabriel Redevelopment Corporation.

I have to smile a little bit when I say that. I mean whoever

heard of a landfill being called redevelopment?

But seriously, please know that we appreciate this hearing and the opportunity for public comment. LDEQ's public notice was the first that residents heard of this proposed landfill. For the Record, I'd like to state that I'm a doctor of Veterinary Medicine and I hold a second doctorate in Toxicology. My specific areas of expertise are mammalian and environmental toxicology.

I've lived in St. Gabriel for 20 years and there are noxious problems associated with landfills of this type. I am distressed that once again this community is being faced with a landfill. I say once again because in the early 1990's, before the town was incorporated, a hazardous waste disposal facility attempted to set up business here.

If you've been with the LDEQ

that long you may remember that proposal. The name of the place was Supplemental Fuels Incorporated or SFI. If you don't remember it, please go to LDEQ's files and look for it. In those files you'll find the Hardy Berthelot interveners. I was one of those Hardys. You'll also find that SFI's permit application was denied.

That's exactly what needs to happen here. Regarding this proposal, LDEQ's public notice says that the permit application is technically complete. In the little time that I've had to look at the application I say that it isn't accurate or factual. It's as noticeable - it is as notable for what it leaves out as for what is included. For the purposes of this hearing, I'll only bring out a few points. I will file written

comments with additional remarks.

First, the permit application

includes a letter written on town stationary and signed by the Director of Public Works stating that St. Gabriel's Zoning and Planning Commission has no issues with the proposed landfill. The Zoning Commission had no issues with the landfill because the Commission was not consulted.

I've spoken with two members of the Commission who have both told me that this matter was never brought before the Commission. LDEQ should be aware that the zoning ordinance specifically excludes any commercial landfill anywhere within the City limits. Landfills were excluded in St. Gabriel as a direct result of our experience with SFI. This proposed landfill could have and should have been stopped at the local governmental level.

Second, the permit application fails to mention that the proposed landfill is in a predominantly black

community. Well over 90 percent of the people living in the vicinity of the proposed site along the Martin Luther King Parkway are black. Environmental justice is an enormous issue that is specifically relevant to this proposal, and yet the permit application makes no mention of it.

Equally telling is that the permit application attempts to justify this landfill by mentioning two landfills, one in East Baton Rouge Parish and one in Ascension Parish. The Ascension Parish landfill is a Type III facility. That is a construction and demolition debris landfill.

That landfill is being closed as a result of a lawsuit filed by nearby residents. The owners of expensive homes in the area objected to the smells and other problems associated with the construction and demolition debris landfill. The other landfill mentioned in the

permit application is a Type I and II facility located in Alsen. Alsen is a predominantly black community.

That landfill is still operated. Neither of these facts was mentioned in the St. Gabriel redevelopment permit application. Environmental justice issues associated with this

permit application must be addressed.

For the Record, I will note the LDEQ's website indicates several additional landfills in adjoining parishes that are not mentioned in that application. These include the National Resources Recover Landfill in East Baton Rouge Parish, the Slidell Landfill in St. Tammany, the Woodside Landfill and Recycling Center in Livingston Parish, the Reliable Landfill in Pointe Coupee and the Tangipahoa Regional Landfill in Tangipahoa. There seems to be adequate landfill space.

Third, this landfill proposes to

dig a 20-foot deep hole and sell the dirt for various purposes including construction. Those of us who live here can tell you that a 20-foot deep hole is going to fill with ground water.

Our firsthand knowledge is confirmed on LA DOTD's website that indicates all water wells within a 5-mile radius of the proposed site have water within 20 feet of the surface and most of those wells show water at 5 feet or less. The water table here is simply too high to allow a 20-foot hole.

Any waste put in that hole will be in direct contact with ground water and thus available for migration. With the proposed landfill bordered on two sides of our waterways the Community Canal at Bayou Braud contact with surface water is inevitable.

In fact, the permit application shows storm water drainage in the

Community Canal and going into Spanish Lake Alligator Bayou. Both Alligator Bayou - excuse me, both Bayou Braud and Community Canal feed into the Alligator Bayou Spanish Lake system, which is home of the Bluff Swamp Wildlife Refuge and Botanical Garden and the Spanish Lake Conservatory.

These 1,500 and 5,000 acre refuges weren't mentioned in the permit application. Yet, these refuges provide recreational and wildlife habitat resources and deserve our protection.

Fourth, LDEQ should be aware that the soil type - if you'll just give me - I'll be done in a little

MR. THERIOT:

Okay.

MS. HARDY:

LDEQ should be aware that the soil type at the proposed landfill is unsuited for this use according

to the USDA soil conservation service. The soil at the proposed site has significant shrink swell capacity. If used as a cover for the debris as proposed the soil will shrink and swell away dependent on the rain fall. Cracks will appear in the surface allowing rain water to penetrate the pile. This will in turn reach into the two waterways.

The USDA soil conservation also states that the soil is unsuitable for construction or fill due to its shrink swell capacity. Selling the dirt for home or commercial construction would be dishonest.

Selling it for flood control systems as indicated in the permit application could have even worse consequences. Faulty construction and materials were a significant factor in levee failures that flooded New Orleans after Hurricane Katrina.

Fifth, there are no roads

leading to this site. The permit application says the ICI Road will be used. LDEQ should be aware that the ICI Road ends before reaching the proposed site. Extending that road would require permission from land owners plus a bridge across Community Canal.

The Bayer Industries gravel road ends before reaching this site. Given these facts and based on proposal attention of the administrative offices indicated in the permit application I suspect that the St. Gabriel Redevelopment will likely propose access via the Martin Luther King Parkway. Access by the Martin Luther King Parkway would be a significantly shorter than access by ICI Road or through Bayer Industries. The town may own land there.

The problem is is that Martin Luther King Parkway is lined on both sides with homes. And these homes

are owned by the predominantly 90 percent of the people that live around the - around that site, which are black, African Americans.

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Access via the Martin Luther King Parkway would result in trucks hauling construction and demolition debris, running through the residential community at a rate of 100 trucks per day, from 6 a.m. to 6 p.m. six days a week.

Just real quick, there's also things in there that aren't mentioned. 4 churches, museums, historic register sites, two parks, one of the parks is virtually located on the boundary of the facility.

In conclusion, the only course of action available to LDEQ is to deny this permit. And thank you for your indulgence. I appreciate it.

MR. THERIOT:

Thank you, Ms. Hardy. You will, of course, be allowed to speak again

at the end of this program if you talk. My next speaker I have signed up who lives within a two-mile radius of the location of the facility is a Mr. Jim Gentry. Mr. Gentry?

MR. GENTRY:

My name is Jim Gentry. I live at 7895 Highway 74, St. Gabriel. I'm a 30 year resident of - I'm a 30 year resident of St. Gabriel. I'm about a half a mile from the junction of Bayou Braud and Highway 74. I retired from Dow Chemical where I spent my last four years as a lab tech in environment control laboratories.

23 years ago a fellow named Jay Paul LeBlanc decided he wanted to build a dump in St. Gabriel oilfield and he set about doing this thing and he wanted to pump Laleche from this dump into Bayou Braud. He was stopped. This prompted my very first environmental protest sign. I

saved this sign for nostalgic reasons and when I heard about this I went and got it out (indicating). 23 years later here I am with the same sign and the same mandate. That's pathetic, people.

I try to call myself retired, but here I am doing the same thing. Spanish Lake and the Swamp and flood planes are the biggest asset we have in East Iberville Parish. This here Spanish Lake and the flood planes and the Swamp has more ponds than the whole Atchafalaya Basin.

I canoed this swamp and lake

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area from Bayou Ball and Alligator Bayou and Bayou Braud. I have - in this area I have witnessed Mother Nature at her best. At her true best. Alligator, deer, bobcat, eagles, I've even filmed eagles, a pair of eagles, sitting in a nest atop of a ball of cypress there in the lake, on the edge of the lake.

This is a jewel of nature that

must, desperately must be protected. The questions I have are many and I am going - I'm going to present just a few. First, number one, how could a plot of land who - that has two boundaries, one of which is the Spanish Canal, the other is the headquarters of Bayou Braud, on either side of this proposed dump even be considered, even think about being considered as a dump site?

Number two, I have questions also, who would monitor what goes into this dump? That is, how would they tell the difference between treated lumber and regular lumber? Yellow wood today, it looks just the same as regular wood. You can't tell the difference. Old treated lumber, which is loaded with arsenic. Absolutely loaded with arsenic. They can't even make it anymore. Who's going to sit there and monitor all this wood going into this dump with all this arsenic in

it? It's still there. The arsenic is still there. You can't pull it out.

What about this particle board that used in construction all over the place now for your roofs and everything else. This particle board has formaldehyde. This is the same formaldehyde that's in the FEMA trailers that are making people sick up in Baton Rouge. The same exact thing.

Also, what will keep the caulk and the sealing tubes out of the trash. I brought some caulk and sealing tubes just to give you an example. This one here says harmful vapor residue, do not reuse container or remove labels and everything, but here I got one here that's really neat.

This one says, "contains ethylene glycol, ammonia, thylene, formaldehyde, ethyl acrylate," and other things, but loaded with

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chemicals. These things are - this is the things that are going to go into a dumpster that are - they'll go into construction that'll be going back there and going to the dump. Who's going to keep this stuff out?

Everyone of these tubes has something that's poisonous that's used, half used, they're throw them into the dumpster, they're going into that dump, people. Who is going to monitor Bayou Braud and the surrounding ground water for contamination? How will it be monitored? How often? What will it be monitored for? And to whom will these results be reported and how?

This is something we have to know. Otherwise, this is not good. As - but projected 23 years ago the U.S. Army Corps of Engineers, State and Federal wildlife Agencies, State Department of Natural Resources and the EPA. Will they be involved

before the final decision is made?

And finally, how will they be publicly kept informed to the progress of and reasoning for any decisions made? Will the public have time to mount a response or will it be steam rolled? I urge you do not allow this proposed dump to contaminate our ground water and pollute Spanish Lake and its wildlife. To allow this dump to exist is to resign Spanish Lake and its swamp to a slow agonizing death.

Please do not let this happen. I thank you. I will claim all my papers and I'll be gone.

MR. THERIOT:

Thank you, Mr. Gentry.

MR. GENTRY:

Uh-huh (affirmative).

MR. THERIOT:

At this time my next speaker who has signed to speak and lives within the two-mile radius of the location facility is a Mr. Ray Brent.

MR. BRENT:

Hello. My name is Ray Brent. I live at 4455 Highway 75, St. Gabriel. My house is located less than one-tenth of a mile to the proposed entrance to the dump site. My house was built in 1865 and is a candidate for the National Historical Society.

So I'm definitely against this site. I'm a member of the Planning

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and Zoning Committee and on the letter on St. Gabriel stationary said that William Atkins, Jr. said that the Planning and Zoning Committee had no problems with this.

Well, I'm here to tell you that we do have a problem with this and I've spoken to all the members except two and none of them are in favor of changing the zoning ordinance to allow this dump to be built in the first place.

I spoke to the plant manager from ICI. The permit application

says that the road will be ICI's road. He has informed me that no trucks will roll down ICI Road. Thank you for that. However, Pioneer Chemicals, which is now owned, when Benny Bennet was the manager selling some property in the back and he gave these people servitude. So if there's going to be a road from Highway 75 next to ICI Road they'll have to build it the whole way.

Which means nothing for me, and I've got nine acres that parallel that road. It means nothing, but makes dust and dirt and trucks rolling 12 hours a day and I just can't see that.

It's also going to go lower the property value for my house and all the houses within that area. All the houses on Morris Street and the streets that were mentioned in that permit, their property values are going down. I worked on - I'm

retired from industry, 35 years at Entergy and I've been on many, many construction sites. And I'm here to tell you, if you're not standing there monitoring what goes in the roll-off box in the truck, it goes into the box.

That's paint cans, the oil that I've changed in my house that I didn't have any way of disposing, it goes in those boxes because I've seen it go in the boxes. I - on the way to - on the way to where I worked this morning I was watching a loaded couple of trucks and I don't know where they're bound for, but they were putting lumber and tires in the truck. And that's not a good thing to be putting in a dump.

Roll-off boxes, trash trucks, if you've noticed them on the highway they're not the best trucks.

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23 They're usually trucks that can no
24 longer haul dirt or it's a ton and a
25 half or two-ton truck with plywood

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1 nailed on the sides and they pile it
2 full and they go down the road.

3 I have a friend that lives at
4 Port Hudson. They closed the dump
5 - DEQ closed the dump in Port
6 Hudson because of two things. The
7 stink and the flat tires. The
8 people, the residents who lived
9 there had flat tires from all the
10 stuff falling off the trucks.

11 I thank you folks for hearing me
12 and I would just like to say that if
13 you do approve this, it's nothing
14 less than environmental racism.
15 Thank you.

16 MR. THERIOT:

17 The next speaker who has signed
18 and have checked off that he lives
19 within a two-mile radius of the
20 location of the facility is a Mr.
21 Thomas Miller. And so we can -
22 everybody know ahead time so they
23 can prepare, the one after that
24 would be Mr. Leroy Alfred. So that
25 you can be - we can be one ahead

0038

1 with some warning.

2 MR. MILLER:

3 Well, my name is Tom Miller. I
4 live at 4450 Highway 75. Across the
5 street from Ray Brent who just spoke
6 so any of the problems that he'll
7 have to deal with, I'll have to deal
8 with in the same intensity. About a
9 tenth of a mile away from that road
10 that would be built. And my
11 comments are very brief and very
12 short.

13 I'd like to point out the road
14 on this map that goes right through
15 the center of our town, Carville,
16 which is incorporated into the City
17 of St. Gabriel. And most of you
18 probably already know this, but that
19 road is the heart of our city, our
20 town and it embraces the dump.

21 The dump is going to be within
22 one-eighth of a mile of Martin
23 Luther King Drive, one-eighth of a
24 mile to the center of the population
25 of our town. And if I can point it

0039

1 out most of you - everyone here I'm
2 sure already knows this. This is
3 the dump and this is the road
4 (indicating). This is Martin Luther
5 King Drive. The distance from this
6 point to this point is about an
7 eight of a mile, from here to here

8 is about a mile, less than an eighth
9 of a mile and this is where the
10 population of our town lives. Right
11 in here.

12 Now, what township would allow a
13 dump to be built at its town center?
14 That makes absolutely no sense
15 whatsoever. No one in the town, no
16 one living within a two-mile radius
17 of this dump has spoken out in favor
18 of it and I dare say there's not
19 going to be anyone who does.

20 One argument that's brought
21 forward if I didn't misunderstand
22 it, didn't misconstrue it, is that
23 the city needs a dump to replace the
24 one that has been closed. But, in
25 fact, nothing that's going into this

0040
1 dump is coming from the town of St.
2 Gabriel.

3 It's not going to benefit anyone
4 who lives here. There's not a
5 person in this town who's in favor
6 of it. How many houses in St.
7 Gabriel are going to be demolished
8 in the coming 15, 20 years that are
9 going to go into that dump? This is
10 materials, hazardous many of it,
11 coming from other parts of the state
12 that are going to be dropped off
13 here. And I think that is
14 inpenable.

15 The other issue which is brought
16 up by every previous speaker and I'd
17 like to bring it up again is that in
18 the zoning ordinance it specifically
19 states that a landfill is never to
20 be constructed within the town
21 limits. Never. And what is
22 particularly unsettling is that in
23 their application, to place this
24 dump in the heart of our town, and
25 I'm just repeating what's already

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1 been said, it is stated in the
2 application that there were no
3 objections from the zoning
4 committee. Well, that's because the
5 zoning committee was never informed.
6 Thank you.

7 MR. THERIOT:

8 After Mr. Alfred has approached
9 the podium the next speaker will be
10 -

11 MR. ALFRED:

12 I'm Leroy Alfred. I live on
13 5595 Martin Luther King Drive. I'm
14 sad to see that this has come back
15 before us again. I'm sure quite a
16 few of you here remember SFI and
17 during the time that I was fighting
18 SFI we also had some land filled and

it was mentioned earlier in Alsen.

A lot of questions was asked that if this is going to be construction material and things going in there, why was there so many birds feeding in the dump? I don't believe the birds are going to

eat concrete mortar bricks. And I'm not going to talk too much because my oxygen not gonna let me to do that.

But everything that has been said I agree 100 percent with it. And I ask DEQ by all means of its power to reject this dump. Thank you.

MR. THERIOT:

My next speaker is Mr. Terry Frazier. Oh, it's Ms. Frazier. Excuse me.

MS. FRAZIER:

My name is Terry Frazier. I live at 4955 Mandeze Street, St. Gabriel, Louisiana. I'm opposed of this dump site. I am not only speaking for myself, I speak for my child and my child's child, or my children's children as the rest of you probably do.

I'm first going to say that any dump or dump site is when - when it's placed somewhere is acceptable

for decomposure. I don't care what it is. It's going to decompose over a period of time.

First of all, I think that this dump site should be denied based on the fact that the person or the owner of this facility isn't even here. I mean so that tells his concern, that shows his concern right there.

And for the law if someone was charged with something and the person that is being victimized and - this person that doesn't even show up in court, they going to drop the case. So that's what I'm looking for, for DEQ to drop this case because the opponents not here to defend himself. I mean, I don't know why he should be able to defend himself because you can't defend a dump site, you know.

Secondly, it's the tourist attraction which is the bayous and the swamps here. And I know all of

you in St. Gabriel is aware of the life that was taken because of this lady was trying to save an alligator

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on Highway 74 and that's sad, you know. This woman has lost her life trying to save an alligator and her daughter also paid some consequences.

So that shows you right there the impact that the tourist attraction we have at these swamps or bayous or whatever has on a person here in St. Gabriel. There really is -

Recycling. Nobody ever mentions recycling. That's one of the other things that you can do other than having a dump here is to recycle whatever it is you have. Whether it be furniture or trash or whatever.

I know I worked at Hunt for 13 years and they recycled everything. Including food, lumber, they'd chip their lumber and sell it. You can do the same thing here. Whatever

trash you have you can recycle and profit off it instead of them having a wasteland, you know. So there's other avenues besides having a dump here.

They already call this Cancer Alley. Why put death on top of death? You know, it's no sense in that. The other thing is police traffic control. You know, like someone said, you're going to have numerous or hundreds of trucks rolling through this community. That's going wear and tear your land. And besides that, I'm sure some of them is not going to slow down in the community as they don't do already, you know.

So and we are short of police staff as it is. But who has the manpower to come out and control the traffic here? And if the land does get torn up, do we have money to fix it? I don't have money to build on my car when I travel through it, you

know, I'm a single parent, a single household.

And that's another thing. Medication costs. I mean, is this dump derive some stuff is going to decompose and contamination, all of us is susceptible to getting sick. Medicine cost these days. I don't have it. You know, I'm living without some right now.

The other thing they were saying about digging. Digging within the grounds of our community. We live on the bases of the Mississippi

15 River. Everybody know it's at flood
16 stage right now. You dig more, you
17 dig more, my house is shifting right
18 now because of the water, because of
19 the foundation, it's sinking, you
20 know. So my value - the value of
21 my house is already depreciated and
22 then you're going to put a dump
23 site? That's going to make it go
24 down even more so. You know, I take
25 pride in my home and I'm sure

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1 everybody else does.

2 Because my home was given to me
3 by my parents whom I love. And I'm
4 gonna love everything that they have
5 to give me and in turn I'm going to
6 keep up with it. And like I said, I
7 mean, the person's not here to
8 defend himself or defend his reason
9 for putting this dump site here so,
10 I mean, that tells - that says
11 enough as it is to me.

12 You know, if you don't care
13 about being here, so he obviously
14 don't care about you. Thanks.

15 MR. THERIOT:

16 My next speaker who signed up
17 that lives within a two-mile radius
18 of the location of the facility is a
19 Pastor Terry Haston? Is that
20 correct? What's that? Okay.
21 You're outside the two-mile radius?
22 I can put you in the parish if you'd
23 like.

24 My next speaker who has signed
25 up that lives within the two-mile

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1 radius of the location of the
2 facility is Mr. Kevin Brock. Mr.
3 Brock?

4 MR. BROCK:

5 First of all, I'd like to say
6 good evening. My name is Kevin
7 Brock. I live at 3620 Magnolia
8 Drive. Also I want you to know that
9 I'm opposed. I'm not with this
10 landfill, we don't need it, we don't
11 want it, it need to go somewhere
12 else. You talk about beautification
13 of St. Gabriel, that's what we was
14 hearing a long time ago.

15 I never heard of a landfill
16 going to beautify the City of St.
17 Gabriel. Not only that, we're
18 sitting here calling the landfill or
19 whatever you want to call it, but
20 it's a dump. That's all it is is a
21 dump. We don't need it. Our kids
22 coming up, growing up, we don't need
23 all that around here. The only
24 thing that landfill or dump is going
25 to do is bring more wild animals,

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rodents, mosquitos, snakes. We don't need it. We don't need it.

I can assure you one thing, I'm an elected official, I'm your constable for St. Gabriel and I'd want to be the first to stand here and tell you that I'm against this dump. Thank you.

MR. THERIOT:

My next speaker who lives within a two-mile radius of the location of the facility is Ms. Everline Melicon.

MS. MELICON:

Good afternoon. My name is Everline Melicon. I am opposing a dump in this area. That's all I have to say. That I'm against it.

MR. THERIOT:

My next speaker who lives within a two-mile radius of the location of the facility is a Mr. Leo Brown. Mr. Brown?

THE COURT REPORTER:

He lives further than two-miles.

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MR. THERIOT:

Oh, okay. Are there any other people - I see they've run out of sign up sheets for people who live within the two-mile radius of this proposed facility. Are there anyone here, am I missing anyone who signed up to speak who lives within two miles? Okay. Councilman?

MR. HASTING:

Melvin Hasting. 5435 Molere Street, Carville, Louisiana. Good evening, everyone. Thank you for the turn out. I'm here to represent you, to support you. And from what I'm hearing we are opposed to this landfill. And I'm standing here today to represent and to support the citizens of St. Gabriel. And I'm asking you please deny this permit. To let you note I'm a councilman, elected official, and we don't want this landfill.

And I feel strongly like all of the people here that came before and

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especially that he wouldn't even to come here to show his face to tell us what it's about. We don't know, he could explain more to us.

And I'm kind of nervous here because it's a shame that he didn't go before the zoning board, he didn't come here. I'm a councilman, we heard about it, but not in detail. So I'm telling you right

now, I'm hearing in detail what the people want, what the citizens want, and what's good for them is good for the City. They don't want it and it's good for the City and that's all I have to say about it.

MR. THERIOT:

Thank you, Councilman. Yes, ma'am.

MS. LORRAINE:

I live within two miles. I don't think I checked it on that paper.

MR. THERIOT:

Your name?

MS. LORRAINE:

My name is Wilfred Lorraine. 4960 Martin Luther King Junior Parkway. I am a member of the Zoning and Planning Committee and -

THE COURT REPORTER:

Could you give your address again?

MS. LORRAINE:

4960 Martin Luther King Junior Parkway. I am disappointed that this person who is over this landfill or dump site is not here because the questions I have was for him. But this is like dejavu.

We were out here and a lot of the people I recognize from SFI when we, you know, we done that. And this is the same thing. And they'll tell you one thing about what's going to be put in these dumps, but it ends up with everything. And as a member of the Zoning and Planning Committee, which we did not have a meeting to approve any - approve or

disapprove. I am here to state that I disapprove. And I do - I would not want this landfill or dump in the area.

MR. JOHNSON:

Ralph Johnson. Councilman Johnson. I live within two miles.

MR. THERIOT:

Our next speaker, Councilman Johnson, has asked to speak so we're going to allow him to speak.

MR. JOHNSON:

And I live within the two-mile radius. Good evening. I made some phone calls, one to DEQ, I talked with a representative from DEQ today and asked her what was the main focus or the main thing we can do to find out exactly what the inside scoop was on this particular application for what they want to

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do. And she told me the best thing we can do basically is write letters to DEQ that says no matter what we do here tonight it'll make a

difference, but to write letters.

So what I did, I also called a gentleman, Mr. Clark Cline I think his name was - Cline, which is the owner that's proposing this, this dump. And I told him what was going on tonight to make sure he would be here, and I am very disappointed that he is not.

So I made the proper contacts to let this gentleman come represent himself, he refused to. I also called a Mr. Brian Willis with Iberville Solid Waste Disposal. And I asked him about a disposal facility for St. Gabriel Iberville Parish and he said since Katrina they have a such place, but they only burn once a year. And hopefully they won't lose that, you know, since Katrina it's been a while. But, yeah, do we need a dump site? Yes. Do we need it there? No. Okay.

So what I did since the lady

from DEQ told me that writing was better than talking, I have two tablets here, two folders. One says "against" and one says "for". You can put your names and phone numbers here and we can submit them as a group, as a city, as residents of St. Gabriel. And make a difference.

Totally up to you. So the ones that are for, could you raise your hands and I'll pass this folder to you? Nobody? So if you would - you want the for? No? Okay. Anyway, it consists of your names and your phone numbers and if the residents here think that they don't want this dump, all the remember SFI Mr. Leroy and the rest of you guys. We didn't want that one in here. We will not tolerate a dump in St. Gabriel. Thank you.

MR. THERIOT:

Is there anyone else who lives within two miles? Ma'am, did you fill out one of these?

MS. SCHEXNAYDER:

No, I didn't.

MR. THERIOT:

Okay. Before you can speak you have to fill out one. We can - if you would just get you one or if you

promise to bring me one when you're finished speaking if you walk over there.

MS. SCHEXNAYDER:

I bring you anything you want - with my name on it when I'm finished speaking.

MR. THERIOT:

Okay. We'll go ahead to you then. Just make sure you say your name and address.

MS. SCHEXNAYDER:

My name is Hayzel Schexnayder. I live at 5525 Martin Luther King Parkway. And that's right at the dump almost. I'm not here to question DEQ as much as I'm here to talk to the Mayor. Mayor Grace, I think you've done a wonderful job in

the Town of St. Gabriel and I'm sure you had to talk to these people about this.

What bothers me is that I thought you would be more concerned about us here living in the area than to go and have these people do this and not tell us anything about it and not care for us. You know, we're your constituents. You've done what you have to do to bring the comps in here, but why not do something that's going to make - why do something that's going to harm us?

Especially seniors out there. First, everybody out there is old like me. So why would you want to do that? Why would you want to accept that? I don't understand.

MR. GRACE:

First of all -

MR. THERIOT:

Mayor, I know that you are the mayor and normally I would let you

address is, but because of the statute that tells us how we need to take it you could speak again at the end. I can't let you speak again until the speakers have made their rounds.

MS. SCHEXNAYDER:

Well, I did not - I was also deny the permit, but I need to I guess have the Mayor address to us why he let this happen to his constituents.

MR. THERIOT:

Is there anybody else who is within the two miles, lives within the two mile of the facility that wishes to speak? Okay. Have you

18 filled out one of the cards, ma'am?
19 And your name?

20 MS. ROBINSON:

21 My name is Janice Robinson. I
22 just put down how much the distance
23 was. My name is Janice Robinson. I
24 live at 3690 Evergreen Drive. And
25 also I have property on Martin

0059

1 Luther King Drive in Carville.
2 The thing that I don't
3 understand is this, number one, we
4 don't need no landfill or dump.
5 Number two, I was going to ask the
6 man if he would have been here if
7 he's a Christian. If he was a
8 Christian if he wouldn't want this
9 dump in his hometown where he lives.
10 And according to the Bible it says
11 treat other people as you wish to be
12 treated. So if he don't want it at
13 his place so then he shouldn't want
14 to put it in nobody else's hometown.

15 Another thing I would have to
16 say about this landfill, we fight
17 over and over and people constantly
18 try to repeat themselves. Seeing
19 that if they want to try to find us
20 asleep. But I have words for them.
21 We not sleeping. We are awake. And
22 we will not allow your landfill to
23 come in Carville.

24 Now is the time for us to unite
25 and stand strong on what you want.

0060

1 Forget about what other people want
2 to bring to you. Now we have
3 decided and rolled up our sleeves
4 and go back to fighting. No
5 landfill in Carville. Ben sure to
6 pass the word.

7 MR. THERIOT:

8 Okay. Is there any other
9 speaker who lives within two miles
10 of the facility that filled out a
11 card that wishes to speak?

12 MR. MILES:

13 Good evening. My name is Gary
14 Miles and I live at 5355 Morris
15 Street and when I heard that this
16 facility was going to be built that
17 wants to be built at a proposed
18 site, which is right in my backyard,
19 you know, I couldn't believe it, you
20 know. We don't need that here. You
21 know, no dump site here in the City
22 of St. Gabriel.

23 I mean the Mayor has did a real
24 good job with the city. Things like
25 parks are coming up, there are a lot

0061

1 of homes that are coming up and we
2 don't need anything to decrease -

3 take the value away from the City of
4 St. Gabriel. You know, so that's
5 basically all I have to say about
6 it. You know, we don't want it here
7 in the City of St. Gabriel.
8 Certainly not in my backyard. Thank
9 you.

10 MR. THERIOT:

11 Thank you, Mr. Miles. Again, is
12 there any more speakers within the
13 two miles? At this time we will
14 move onto those who - oh, we have
15 another. Your name, sir?

16 MR. BAILEY:

17 Henry Bailey. I filled out a
18 paper.

19 THE COURT REPORTER:

20 What's your name, sir?

21 MR. BAILEY:

22 Baily, B-A-I-L-E-Y.

23 THE COURT REPORTER:

24 No, your first name?

25 MR. BAILEY:

0062 1 Henry James.

2 MR. THERIOT:

3 Henry James Bailey.

4 MR. BAILEY:

5 I live at 5525 Highway 75. I
6 already paid my price. I lost my
7 wife and daughter because of these
8 chemicals and things. I don't know
9 who Mr. Cline is, but you can tell
10 Mr. Cline, what I say today I can
11 say tomorrow. Now, if he want a
12 land dump what about his backyard?

13 If he wanna bring junk, not to
14 mine. The few years left I got left
15 on this earth, I'm going to live in
16 peace. It's not about people
17 health. It's all about money. The
18 people health don't mean things to
19 people today. It's all across this
20 country. It's all they do. They
21 don't care what they do to people's
22 health. And it's a sick and shame
23 that we got to pay all these taxes
24 and go through all these change in
25 these late days.

0063 1 So you can tell Mr. Cline he
2 better take his land dump back where
3 he bought it from.

4 MR. THERIOT:

5 If there are no more speakers
6 within a two-mile radius we can
7 begin with those who live - who
8 work within a two-mile radius of the
9 facility. I don't think I have any
10 of those here.

11 MR. PRISILLO:

12 There is one.

13 MR. THERIOT:

14 Oh, I have one. Mr. John
15 Prisillo?
16 MR. PRISILLO:
17 Prisillo.
18 MR. THERIOT:
19 Prisillo.
20 MR. PRISILLO:
21 My name's John Prisillo. I work
22 at 4990B ICI Road in St. Gabriel.
23 It's Innios for Americas. I also
24 was interested where this road was.
25 I didn't see it on any drawings or

0064

1 the map. And I guess that was
2 answered to me when I came here when
3 they're telling me that they're
4 actually going to use the road that
5 my company owns. I hate to tell you
6 that that's actually news to me.
7 We haven't given anyone
8 permission to use that road to haul
9 gravel trucks or dump trucks up and
10 down it. But I do - I am aware of
11 the fact that Pioneer, as part of
12 the sale of that property did grant
13 the right-of-way. I'm not sure
14 where that right-of-way is or how
15 this company is going to utilize
16 that. So I was curious to see that
17 and that still hasn't been answered
18 as far as I know because they won't
19 be using ICI Road.

20 If they do construct a road I
21 was curious as to know just what the
22 materials of construction of that
23 road would be and how that dust
24 would be controlled, if it was going
25 to be a paved road, gravel road or

0065

1 - and where that would end up where
2 would it go.

3 I'll mention that the area where
4 the plant is on, the area where this
5 property is is zoned by the City of
6 St. Gabriel as N2 which is heavy
7 industrial. I don't know - I've
8 mentioned zoning ordinances, but
9 landfills and heavy industrial don't
10 seem to make the same use of that
11 property, but I guess that's for the
12 zoning commission to decide when
13 they actually get the hear it.

14 From an industry standpoint I
15 was concerned that the first I heard
16 about this - can you hear me?
17 That's unusual. How's that?
18 Better?

19 We have a Community Advisory
20 Panel in St. Gabriel. Most of the
21 industry members sit on that panel
22 and a lot of you folks in this room
23 sit on that panel as well. The
24 owner of this facility, when they

25
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first bought it and set up the

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gravel business came and spoke at the Community Advisory Panel, but we haven't heard from him on this subject. As a member of industry I'm concerned that perhaps this wasn't utilized to communicate with the citizens of St. Gabriel.

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Not constructing, maintaining or operating on site roads in a manner

that will prevent restricted - restriction of traffic flow, a nuisance or tracking soil into public roadways. Having inadequate monitoring procedures that allow disposal of hazardous wastes, liquid jarred waste or all prohibited material into the landfill.

Allowing conditions that created dust, flow in the river or odor nuisance. Not insuring that a minimum of earth material of the approved nature is placed across the waste everyday. And not maintaining a landfill in a manner that minimizes climbing of water and erosion of the site.

I believe that the application should probably address those issues but, like I said, didn't see it in the 546 pages. That was all I had. Thank you.

MR. THERIOT:

We have had some late signings up. This packet doesn't say how

we're supposed to do that if you sign up late. Because they marked that they lived and worked within two miles of the facility I'm going to call the person who lives within the two-miles radius of the facility now and go ahead and let them speak.

Ms. Mary Thomas? Ms. Thomas? Is Ms. Thomas in the room? I'll

hold on to Ms. Thomas' and I'll go ahead and go to the next speaker who came in. We're now in the two - those who work within the two-mile radius and I have here Mr. Freddie Frazier?

MR. FRAZIER:

Good evening, everyone. My name is - I'm Councilman Freddie Frazier. I'm here today to let everybody know, let the community know, my fellow councilmen know, that I'm there with you against this dump site. I think that there's been enough dumping here in St. Gabriel. We've got - we're getting

stuff from everywhere over the past two years. I think it's time to put a stop to it. Just want the community to know, my friends and my neighbors that I oppose it. Thank you.

MR. THERIOT:

Did Ms. Thomas make it in? I'll hold back on that. And the next person I have that says they work within a two-mile radius of the location facility is Mr. George Grace.

MR. GRACE:

Mayor Grace. Okay. I want to clarify several things. First of all, they did nothing in the provision of this law, and you can correct me, Mr. Attorney, if I'm wrong, that gives the Mayor or the city council any part in this approval process. Not one part do we have in this approval process. So I think it's very unfair to say "How does the mayor allow this to

happen?" That's not something that I could control.

Now, when this man came forward with this proposal, he didn't have to apply to the City of St. Gabriel. Not at all. That's a function of DEQ. What I asked them to do, and I really didn't know how this theory was going to play out, what I asked them to do was to come forward, present the facts of this whole scenario to the people.

On that hand, and anybody who, as you have done, showed any opposition on the other hand. But what I tried to do was to make sure that they had all of the facts as it relates to what these people - excuse me, were applying for. And I still haven't heard that. That's

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the first thing that I said. I did not come over here initially to speak in favor of or in opposition to.

what I asked was for the people

who's making these applications to come forward. That's the first thing I asked this gentleman when I came in. "Where are the people who made this application?" And he said, "well, they're not here." But that's what this hearing is supposed to be about.

This hearing is supposed to be about both sides presenting their facts to these people and then they would make a determination as to, you know, whether there's a permit to be granted or not. It's not something that the City can either deny or approve.

That is not the role that's according to law. We don't have - we don't have an approval process here. Now, the other thing is this. And I'm very sorry that that happened. Ashton Williams did not sign - he didn't - I didn't see this until I saw - I looked here tonight, he did not sign on behalf

of the Planning and Zoning Committee.

He made a very mistake, he didn't look at what he was signing because what he told me was they came to him, or somebody wrote him and asked him from a - he was the Director of Public Works, they asked him if he would have - to have a place to put trash. And that is what he thought he was signing for. Saying that he needed a place to put trash.

Now, he - I don't - he didn't read it right and I'm sorry about that. But that's not something that I saw prior to hearing it tonight. I did not see it.

That application, and I guess I'm negligent because you could have gone to the library and seen the whole application, was not presented to the City Council nor the City of St. Gabriel. That does - we're not part of that process. We are not a

part of the approval or disapproval process. Now, I want to make that very clear.

Now, as far as whether I want it to happen, no. I don't want to have

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6 a dump here. But, and let - let's
7 let out the whole thing. I don't
8 want it to happen and I actually
9 asked, made an application with DEQ
10 for the City to operate the same
11 kind of small operation that we had
12 because, ladies and gentleman,
13 whether we want to or not we are
14 going to have to have a place to get
15 rid of our trash.

16 Now, you know, we can make
17 grandiose speeches and everything
18 else, but if you're traveling down
19 the streets of the City of St.
20 Gabriel, you see all of this trash
21 all along everybody's, in front of
22 everybody's house, you're got to do
23 something with it. What should I do
24 with it? I can't take it and just
25 make it disappear. It has to go

0074
1 somewhere.

2 Now, does it need a big
3 commercial landfill? No, we don't.
4 But we still have to have somewhere
5 to put this trash. Now, you know,
6 everybody says, "Not in my
7 backyard," and that's fine. The
8 City owns a little piece of property
9 back in that area where they want
10 that dump and that's where we were
11 putting the trash. But you got to
12 find somewhere, folks. We still got
13 to find a place to put the trash.

14 Now, the other thing is this.
15 In Carville, in Carville, you know,
16 I've spent a lot of time trying to
17 do everything I can to build up
18 Carville. I don't want anybody to
19 ever imply that I'm trying to do
20 something that's going to be
21 detrimental to the citizens of St.
22 Gabriel.

23 I've devoted 14 years of my life
24 to that. And where they want to put
25 the dump, let me make very clear to

0075
1 you, is where I want to build a
2 road. So if they would put the dump
3 then I couldn't build a road. So I
4 just wanted to find out what the
5 facts were. It's not my place to
6 try to tell these people and say,
7 "Look, you can't come to St. Gabriel
8 City Hall and present facts to the
9 people because I'm going to stand in
10 the doorway," you know, "and you
11 can't do that."

12 What needed to happen here, and
13 I think it's happening, but the
14 other side is not here, you have to
15 have all the facts. You got to give
16 everybody a chance to present what

17 they see as a solution to any kind
18 of problem and then to make a
19 decision.

20 And as they - Mr. Councilman
21 Johnson said, you either get on the
22 record, write, do whatever you need
23 to do to present the facts to DEQ.
24 But I don't want anybody to think
25 that the City of St. Gabriel can

0076

1 say, "Okay, we're not going to have
2 this dump here." And it won't be.
3 That's not the way it works. It
4 works through the Department of
5 Environmental Quality. That's it.
6 No. They did not. I'm not part of
7 the process. No. Pardon? I'm not
8 part of the process.

MR. THERIOT:

10 Hold on. Hold on. I'm - as
11 the hearing officer I don't want
12 this hearing to turn into a question
13 and answer with the Mayor. That's
14 not the purpose of this hearing. If
15 you want to speak with the Mayor
16 after everyone gets a chance to
17 speak that's fine. But with the
18 Mayor at the podium I have to insist
19 that it be kept to simple.

MR. GRACE:

21 Okay. Well, let me just say
22 this, no, the applicant - the
23 applicant - the applicant does
24 never have to submit not one piece
25 of paper in the City of St. Gabriel.

0077

1 Not one. They don't have to talk to
2 the Mayor, they don't have to talk
3 to the Council. They can talk to us
4 and ask for support, but it's as far
5 as whether or not we are part of the
6 process, we are not.

7 It's just like a lot of people
8 think about what happened along the
9 state highways. We can't do
10 anything on state highways. We
11 can't even dig a ditch on state
12 highways because we are not - even
13 though it's within the City limits
14 of St. Gabriel, the law is it's the
15 Department of Transportation and
16 Development.

17 In this case it's the Department
18 of Environmental Quality. It's not
19 the City. It's not us. And, you
20 know, I'm a big guy. You can dump
21 on me, but just if you have to. I
22 have no jurisdiction to either grant
23 or deny this landfill.

MR. THERIOT:

25 Okay. I'm - we're going to get
0078 moving again. We're in the area of

where people work within a two-mile radius of the facility and the next speaker I have signed up is Mr. Terry Haston, the pastor.

MR. HASTON:

My name is Dr. Terry Haston. I live at 2050 Vesson, V-E-S-S-O-N, Vesson Lane in St. Gabriel, Louisiana. And I want to go on the Record that I'm opposed to this landfill. We don't want it in the City of St. Gabriel. As a young pastor who started a ministry I hope to be here a while and I want my parishioners and those involved with the Christian Center to have the opportunity to live a prosperous life.

That's why I don't think we need this landfill and I am totally against it. As I just stated again I am totally against this landfill. Thank you.

MR. THERIOT:

My next speaker is Mr. Leo Brown. Mr. Brown?

THE COURT REPORTER:

He waved. I don't know what that meant.

MR. THERIOT:

Mr. Brown, does that mean that you don't - You're going to pass on your speaking? Okay. My next speaker who signed up to speak who works within a two-mile radius of the facility is Mr. Kevin Ambeau. Mr. Ambeau?

THE COURT REPORTER:

He passed.

MR. THERIOT:

Okay. Pass. Let the Record reflect that Mr. Ambeau passes. My next speaker who signed up is Mr. Wayne Roy. Mr. Roy?

THE COURT REPORTER:

He left.

MR. THERIOT:

My next speaker who signed up who works within a two-mile radius

of the facility is Ms. Lydia Haydel. Ms. Haydel?

MS. HAYDEL:

My name is Lydia Haydel. I live at 9064 Manchac Road in St. Gabriel, Louisiana. I am the manager of East Iberville Branch Library. And so I work very close to where this will be - proposed to be and I'm - from all the things that I've heard here tonight like the traffic, the heavy trucks dropping trash, and also the

water run off, I am very much
opposed to this.

I live back on Manchac which is
very near Alligator Bayou and that's
exactly where all this water would
end up that would carry all of -
everything that would come off the
dump. So, I just would appreciate
DEQ denying the permit. Thank you.

MR. THERIOT:

My next speaker is John David

Comm.

MR. COMM:

Hi. My name is John David
Comm. And based on what everybody's
saying and with us not knowing about
it I'm against it. This doesn't do
anything positive for anybody in the
community or environment so who
for, people who own it. I'm against
it. Thank you.

MR. THERIOT:

My next speaker that signed up
is Mr. Chris Gauthier. Oh, excuse
me. Mr. Comm?

MR. COMM:

Yeah?

MR. THERIOT:

You neglected to read your
address into the Record. We need
the court reporter to get that.

MR. COMM:

1390 Highway 75, Sunshine,
Louisiana.

MR. THERIOT:

Thank you. Next I have who
works within a two-mile radius of
the facility, Chris Gauthier.

MR. GAUTHIER:

My name is Chris Gauthier. I
work at the Elayn Hunt Correctional
Center in St. Gabriel, Louisiana.
My address is 7055 Bayou Hall Road,
St. Gabriel, Louisiana. I'm a 34
year resident of St. Gabriel.

I'd like to say that I came here
tonight to oppose this project and
stick with my friends and family who
live back on - in Carville. They
are not blood family, but they're
family to me because we've fought
this fight over and over and over
and over and over again. It's like
the old Ray Charles song "Here We Go
Again." Here we go again. We had
New River then we had SFI and now we
have this.

And I have my good friends that
are trying to build something
positive back on Spanish Lake, Frank
and Jim, to do something positive

24 for the environment. We have people
25 struggling to live day to day with

0083

1 illness like Mr. Leroy. We don't
2 need something like this in our
3 community.

4 And there's a lot of negatives
5 to it we all know it and I disagree
6 with the Mayor, and I'd like to put
7 this in the Record, can the City
8 Council do something about it? You
9 bet your beans they can do something
10 about it.

11 I just know that go back to New
12 River, go back to SFI, what did we
13 do? We went before the police jury,
14 we had the police jury vote against
15 it, the police jury sent that to the
16 DEQ and before you knew it, the
17 project went under. It went under
18 because elected officials did what
19 the people wanted them to do. And
20 that's what needs to happen.

21 You came up here first and you
22 said one thing. You saw the
23 opposition, you said another thing.
24 And let's - I would like to - I
25 would like to read into the Record

0084

1 this letter. This is what - and
2 this is what burns me up about
3 public officials. This is from the
4 City of St. Gabriel on City of St.
5 Gabriel letterhead, permit
6 application information request for
7 the construction of the debris
8 facility.

9 "Dear Mr. Daigle," who's the
10 principal environmental consultant,
11 "this letter is in regard to the
12 property located in St. Gabriel
13 which is part of the Bayer
14 Industries Industrial Park. The
15 property is zoned heavy industrial,"
16 and we just heard a gentleman from
17 ICI say that's not right, "and is
18 conducive to locating the
19 construction of the debris
20 facility." He says that was not
21 true. "The Planning and Zoning
22 Commission has no issues with this
23 site." Is that right, Mr. Ray
24 Brent? No, it's not right. "Has no
25 issue with the site, which must be

0085

1 constructed according to existing
2 building codes in effect at the
3 state and local level."

4 And I thought I heard the Mayor
5 say that this letter didn't say
6 that. But it does say that. It
7 says, "the Planning and Zoning
8 Commission," as a commission. I

think when you do things above doors, where people can see them, you people can agree with him and if you do the right thing you get what the people need. What happens is when you do it below ground and you make these deals all of a sudden you get what people don't want.

I'm opposed to this site, we're opposed to this site because we believe that the construction of this site will be detrimental to the people that live here, to the ecosystems, to the people who want to make small businesses here.

And I've got something to say about Cline too. Kay and I was in

business for a while and I was a retail pharmacist for a long time. If I wanted to sell a bottle of Tylenol I've got in front of my customer and I told him what that Tylenol did and how good it was and what the bad things were about that Tylenol. But I wasn't a coward about it. I showed up if I wanted to sell it. If it was something worth selling.

But what - what it tells me about this property, it ain't worth selling because he didn't show up. So thank you.

MR. THERIOT:

Thank you, Mr. Gauthier. The next speaker is Kay Gauthier.

MS. GAUTHIER:

Kay Gauthier. 7055 Bayou Hall Road, St. Gabriel, Louisiana. I'm married to the gentleman that was so eloquently speaking before me. We have lived in this community for 34 years. St. Gabriel Redevelopment

that's quite a euphemism for a dump as the Mayor called the facility. So I kind of resent that it's called redevelopment. I oppose the proposed application before DEQ today.

I will submit full written comments for your consideration. I do ask that the full public record for River Waste Management and Supplemental Fuels, Inc. be included in the public record for consideration because the issues raised during that period of time remain pertinent today.

Those issues raised need to be addressed. There's no sense in me sitting here before you bringing them all up again. They still

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exist. From the ecosystem to the bald eagles to the trash to the neighborhood to the health effect all those seem to remain pertinent and I do request that those - that public record both River Waste

Management and Supplemental Fuels be added to the public record here.

And one question for DEQ. Historically I want you to consider in construction of debris landfills, has there ever been any hazardous waste landfills in those facilities?

If you can honestly tell me there never has been, grant this permit. If you can not answer that question positively, then you need to deny the permit.

One further thing, probably, Mary Lee, how many years ago did we discuss environmental racism? Many. I was a young girl at that point. And environmental racism, the question was was it a black and white issue? It's not a black and white issue. It's a green issue. It's all about money. And these facilities are typically put in poor neighborhoods. So, I ask that DEQ consider that and you'll see the rest of my written comments before

the deadline. Thanks.

MR. THERIOT:

Thank you, Ms. Gauthier. Our next signed up speaker, I think that we are moving to those that live within the parish, is Ms. Maryann Oliver. Ms. Oliver?

MS. OLIVER:

My name is Maryann Oliver. I live at 1005 Daisy Avenue, St. Gabriel, Louisiana. I am a lifelong resident of Iberville Parish and St. Gabriel and Carville. I really put my name down cause I didn't think - But I am definitely against this. I was there when we fought with the police jury and everything, so I know that their input was definitely important to us protesting the last landfill.

I do still own property in Carville. And so does my family. And I have some of the fondest memories in the world within that community. I still attend church

there at the chapel at Carville. I still ride out there. I just took my brother's children out there to show them where we grew up. I can't

5 imagine showing them a redevelopment
6 construction site that's a dump
7 site. And it is the truth. And it
8 is the people who have the lowest
9 voices where these type of places
10 are placed.

11 I can't believe we can have a
12 hearing without the people that
13 represent this company. I find that
14 even funnier than the redevelopment
15 part. I, as my family, do oppose
16 this and will continue to try to
17 participate in the process of
18 objecting to this. And do whatever
19 we can to help this process and help
20 the community people in Carville who
21 are my friends and my family that I
22 grew up with all of my life. Thank
23 you.

24 MR. THERIOT:

25 My next speaker who lives within

0091
1 the parish is either Mr. or Ms.
2 Francis Grow? Mr. or Ms. Grow? It
3 says Francis and after my earlier
4 mistake I didn't want to do it
5 twice. Well, let the Record reflect
6 that Ms. Grow either has left or is
7 not in the room, so I'm going to put
8 pass and I will hold it to the end
9 in case she does show up.

10 Next speaker is Mr. Ben
11 Phillips. Mr. Phillips? Let the
12 Record reflect that Mr. Phillips is
13 either not here or left earlier and
14 we're going to mark him as a pass
15 and I'll hold it in case he shows
16 up.

17 The next is Ms. Carol, I'm
18 probably going to butcher this one,
19 Cerniavis? C-E-R-N-I-A - she's not
20 here anymore? I will again mark
21 that one as a pass and hold it to
22 the end in case she happens to walk
23 in.

24 Next I have Ms. Mary Thomas.
25 Ms. Thomas?

0092
1 THE COURT REPORTER:

2 She's the one that left earlier.

3 MR. THERIOT:

4 Yeah, I think earlier we had
5 called Ms. Thomas. I will again
6 mark her as a pass and at the end I
7 will go through the passes just to
8 make sure they didn't - weren't
9 just temporarily out of the room.
10 Next I have Mr. Steven Carville.
11 Mr. Carville? I will do the same
12 and mark him as a pass. If he
13 happens to walk in before the end of
14 the thing he can speak then.

15 I have Ms. Rose Marchand. Let

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the Record reflect that Ms. Marchand is not in the room. I've marked her as a pass as well. Mr. Samuel Carville.

MR. CARVILLE:

Good evening. My name is Samuel Carville. I live at 57724 Irvin Drive in Plaquemines. We have family property here. I do not reside in St. Gabriel, but we do

have family that's grown up here. There's some facts that are disturbing about this project.

First of all, the Mayor's opening statement led you to believe that only the local area debris is going to go into this landfill and that's not true. This is statewide. They're going to be taking stuff from all over the place. As the gentleman said before, anybody that's been on a construction site knows all kinds of products and waste goes in these dumpsters. Who at this site is going to be qualified to pull out of the dumpster - you think a man's going to climb in there and do that? They're going to dump it out on the ground there. There's no doubt about it. That's the way it works.

A man is not going to climb in there and say, "Oh, this piece has to go." That's not going to do that. So who's going to determine

the conformance of the materials in the permit facility included in the permit process? What training are these people going to have?

The Bayou Braud eventually discharges in the Bayou Manchac area. Bayou Manchac is on the National Clean Water Act 303D list of impaired water body. Any new discharges into this system containing pollutants would negatively impact the water quality in Bayou Manchac. What are the plans to prevent polluted storm water run off from entering these impaired waters? What are the sanitary discharges? What would be done about that?

This project started out with a lot of smell and the more you find out about it, it really stinks. Do not approve this process. Thank you.

MR. THERIOT:

Next I have a Mr. Chris Parker.

Mr. Parker?

MR. PARKER:

My name is Chris Parker. My address is 6245 Bayou Paul Road, St. Gabriel, Louisiana. I'd like just to stand up here and say that I oppose this because for the simple reasons it seems like just another deal that, you know, is going to swept under the rug or snuk under the rug like common people like common people that we have here that's all opposing this.

And I don't think it's right to - it's like every other thing you see on the news or every other thing you see in the news that people is always trying to take advantage of small town people. Your regular, average, everyday, working people. And it's not done correctly. It hadn't been done correctly from what I've been seeing. All the proper things haven't been done. And like I said I'd just like to stand up

here and say I'm opposed to it.

Thank you.

MR. THERIOT:

I have a couple of late signers uppers who meet the first two qualifications before we move on to anyone who wishes to speak. I have a Michael, and I'm not quite sure of this last name either, who signed up late.

MR. LAPALORIE:

Lapalorie.

MR. THERIOT:

Lapalorie?

MR. LAPALORIE:

Lapalorie. Or you can say Lapalorie. Well, my name is Michael Lapalorie and I live at 6015A Highway 75. I live and work within two miles of this dump site. In fact, I live closer than most because I live 10 feet from Bayer Industries and I work at Bayer Industries.

And I want to say, as far as the

dust's concerned, you can not control the dust with these trucks going back in the plant. We have about 50 trucks come into Bayer Industries everyday and we can not control the dust.

Now, as far as creatures and stuff coming in my backyard. Within the last I'm going to say two weeks we've killed about three snakes in my yard. I enjoy looking at the

12 deer and stuff that roam through my
13 pastures. And I am opposed to this
14 landfill. Thank you very much.

15 MR. THERIOT:

16 I have Ms. Pamela Caluetta.

17 MS. CALUETTA:

18 I'm Pamela Caluetta. I live at
19 39124 Camp Drive in Prairieville.
20 Camp Drive runs right along Bayou
21 Manchac. We've been fighting with
22 the residents of Bayou Manchac have
23 been fighting for years and years to
24 try to get the water quality up. To
25 get the pollution down. This is

0098

1 only one more drop into that
2 pollution bucket.

3 It's not as big a consideration
4 as those of you who will live two
5 miles from this or work two miles
6 from this, but it's still a
7 consideration. That consideration
8 along those same lines as Bayou
9 Manchac is a very historic waterway
10 that deserves the best. It's a
11 beautiful waterway. I don't know
12 how many of you have been along it,
13 but it's a wonderful little stream
14 right in the middle of development,
15 but to get down in that water and
16 you can really be miles from
17 anything.

18 Apparently, before the
19 legislative - legislature there is
20 a proposal to have the waterway
21 nominated as a historic and scenic
22 river in the natural - Louisiana
23 Natural and Scenic River System. It
24 doesn't need more pollution.
25 They're trying to get this, they're

0099

1 trying to get less - to preserve
2 this waterway. This isn't going to
3 help. Thank you.

4 MR. THERIOT:

5 I've checked and I have no more
6 sign up sheets that live within the
7 parish. I now have just sheets that
8 people have not checked off any
9 particular category. So we're going
10 to move to those now. Okay. Have
11 you signed a sheet, sir? And what's
12 your name? Okay. You didn't check
13 off on yours. What's your - you
14 live in the parish? Okay.

15 That's why it's not - that's
16 why - it has to be in Iberville.
17 This is the category we're starting
18 now. Okay. Our first speaker that
19 I have in this stack is Ms. Mary
20 Ore. Ms. Ore?

21 MS. ORE:

22 Good evening, everyone. It's

gabriel5708

great to see you, but I'm sorry we
have to be back here because I stood
with many of you 20 something years

ago about SFI and other issues.
This is a very special area with
very special folks and I have great
love for not only the community
here, but for Spanish Lake Basin.
And I'm sorry, I didn't say my
address. Mary Lee Ore, 162 McCoy
Avenue, Baton Rouge, Louisiana. I'm
the Executive Director of Louisiana
Environmental Action Network.

We're an environmental
organizations that's been working
with communities for more than 22
years since we began and we're very
proud of that. And I want to enter
some things into the Record so you
have to bear with me while we get
this letter, okay?

This is about the St. Gabriel
Redevelopment and Construction and
Demolition Landfill AI Number
152065. Activity Number
PER20070001. Construction and
demolition landfill waste permit.
St. Gabriel Redevelopment submitted

an LDTES permit notice of intent for
a C and D debris landfill general
permit to DEQ on August 8, 2007.
EDMS document 36183018. St. Gabriel
Redevelopment plans to collect cell
water and waste water from the
construction and demolition landfill
site and discharge the waste water
via a ditch to the Commercial Canal,
Bayou Braud, Spanish Lake and
Alligator Bayou control structure to
Bayou Manchac.

The additional waste water going
to Alligator Bayou is unacceptable.
The Bayou is over distressed and is
a location of chemical loading
that's causing large quantities of
foam to be generated. The location
of construction and demolition
debris landfill at the proposed
location is unacceptable based on
the assessment to discharge the
waste water through Alligator Bayou.

Description of new versus
surface area. St. Gabriel

Redevelopment attempted to
demonstrated the need for the C and
D landfill near St. Gabriel based on
the fact that the earlier landfill
in the area is under DEQ closure
order under assume cease operation.

In the introductory section of

gabriel5708

the solid waste permit EDMS document Number 36712948, Page 7 of 546 the applicant states that the proposed St. Gabriel landfill would be the only C and D landfill there to service both in these in the south Baton Rouge area. Parishes cover East Baton Rouge, Iberville, Ascension, St. John the Baptist, St. James and Livingston.

Upon further examination of the permit application, the applicant designated the service area as statewide. EDMS document Number 36712948 Page 25 of 546. The addition on Page 25 of 546 EDMS document Number 36712948 the applicant further describes the

waste to be received by the site as consistent with C and D debris from the service area.

The service area is statewide. Thus the applicant in the introduction is attempting to paint a picture of the waste to be disposed of at the site as coming from the south Baton Rouge area while the remainder of the application describes the waste to be received as being generated from across the state.

Transportation of waste. In the solid waste permit EDMS document Number 36712948, Page 111 or 546 the applicant states that there will be 100 trucks per day entering the landfill from each of the two entrances, Highway 71, ICI Road and through Bayer Industries from Highway 75 carrying the C and D waste into the facility. This equals 200 trucks per day. In the IQ response the applicant states

that there will be up to two - 22 - let me say that again, there will be up to 22 trucks per day utilizing the facility.

This is from the document Number 36712948, Page 48 of 546. On Page 49 of 546 in response to the IQ questions the EDMS document Number 36712948 the applicant utilizes 22 trucks estimate to calculate saving and transportation costs while comparing various other C and D landfills to the St. Gabriel landfill. Up to the 22 trucks per day versus 200 trucks a day there's a very large difference in truck traffic and quantity of waste being transported to the proposed

gabriel5708

landfill. The applicant must be required to rectify the differences in truck traffic count.

On Page 41 of 537 EDMS document Number 36712948 the applicant indicated that the landfill will be near dock facilities. Nowhere else

in the application is there any indication that C and D waste will be transported to the area of the landfill site via water. The applicant must be required to clarify the issues of transportation of waste.

Air pollution. In a response to the questions the applicant lists dust and wind blown materials as potential air pollution issues. The applicant indicated that covered soil will prevent releases of odors and wind-blown debris. The applicant failed to state that the C and D regulation only requires C and D landfills to be covered with interim cover once per month.

The applicant also failed to identify admissions of hydrogen sulfide as a large problem for C and D landfills. The hydrogen sulfide is generated as a result of degradation of ordinance to be disposed of in the St. Gabriel

landfill. Air pollution issues associated with C and D landfills are substantial problems and are not adequately addressed by the application of interim cover once per month.

Conclusion. I appreciate the opportunity to provide DEQ with comments in the proposed St. Gabriel C and D landfill. The proposal location that results in waste water discharge into Alligator Bayou makes the proposed site unacceptable. The inconsistencies in the application also raise areas of grave concern.

The proposed C and D landfill is designed to consist of a 90 acre disposal cell, which will operate for 20 to 40 years. The application for the landfill by St. Gabriel Redevelopment is unacceptable and we ask DEQ to deny the permit. Thank you.

MR. THERIOT:

Ms. Ore? Ms. Ore? Did you want

to enter -

MS. ORE:

I want to make one change and I

gabriel5708

definitely will. I'll give it to
you before I leave, okay?

MR. THERIOT:

Okay. Thank you. I have now
Mr. Jeffrey Debensky.

MR. DEBENSKY:

Good evening. Jeffrey Debensky.
16944 Ashley Drive, Greenwell
Springs, Louisiana. I'm here
representing the chapter of the
Sierra Club which represents - I'm
representing about 7,000
individuals. We at the Sierra Club
oppose this permit.

First of all, I'd like to say
that the lack of presence of the
applicant should be of grave concern
to DEQ. There - and this alludes
to problems with enforcement issues
that you'll experience down the
road. I know DEQ has manpower
issues and already has issues with

landfill enforcement, and this
should be of grave concern for them
when considering this permit.

As mentioned before, storm water
run off is of great concern. We
have fragile ecosystems that
surround the proposed site as well
as, you know, Aqua First and things
like that that are going to be
susceptible to contamination.

In regards to just the need for
the landfill in and of itself, I
would like to charge DEQ, the
Governor and local entities that
landfills are not the solution.
Construction debris, a vast majority
need to be re-purposed and reused
and does not need to be buried. The
- just the concept of landfills in
general is an extremely shortsighted
solution. And we will be submitting
written comments in greater detail
and I urge everybody that's here
that even if you have spoken to
submit written comments. They carry

much greater weight. Thank you.

MR. THERIOT:

Thank you, Mr. Debensky. Next I
have Mr. Willie Fontenot.

MR. FONTENOT:

My name is Willie A. Fontenot.
I reside at 632 Drehr Avenue, that's
D-R-E-H-R, Avenue in Baton Rouge
70806. Could I ask, is this the
Department of Environmental Quality
projectory putting this image on the
wall?

MR. THERIOT:

Yes. It is our DEQ documents.

MR. FONTENOT:

well, the reason I ask is because I want to refer to it, so. The image on the wall shows apparently a circle in the middle and the circle is the proposed site. And I guess that's a two-mile radius within the proposed site. The inside of that two mile circle are the Mississippi River crosses both north and south of this site. It's

not often we get something inside of the Mississippi River meeting within twice within two miles of the proposed. But that's where we are at the proposed location.

Right now the ground water level in that part of Louisiana where this proposed facility is to be built ground water level is actually above the ground. Because the Mississippi River at this state is at flood stage and will be there for quite some time.

I have recently gone to a number of places in East Baton Rouge Parish where there are seeps of water coming out of the Mississippi River. And you get this along the entire length of the Mississippi River from Baton Rouge to the mouth of the River which makes this location a very questionable site for the proposed activity because unless it's completely lined there's - with an impervious line that there's

no way to prevent cross contamination between whatever is dumped in that site and ground water. I have not read the application but I do plan on doing that.

This proposed site is one of the most inappropriate sites for this kind of activity probably in North America. Definitely in Louisiana and definitely in Iberville Parish. I've lived at my home in Baton Rouge for - since 1975 and I've been working with people in this community since that time on a whole variety of environmental justice and environmental human health problems. This community is one of the more severely adversely impacted communities along the Mississippi River and in Louisiana. It is disproportionately impacted by heavy industry. It is disproportionately impacted by waste disposal and oil and gas activities just a little bit

0112

1 to the east of this site in the St.
2 Gabriel Oil and Gas Field and it has
3 been major polluter in this parish
4 since 1937. And the pollution from
5 that is not - has not been stopped
6 yet.

7 The parish when it was first
8 proposed - when the state has its
9 first proposed hazardous waste
10 regulations in 1978 or '79 the
11 residents of this community raised
12 questions because they'd been hit by
13 releases from sulfur which are in
14 this community. And there was no
15 way for the people in the community
16 to be notified when there was an
17 accident. That has changed somewhat
18 today, but it's still a problem.

19 The people that live inside of
20 this two-mile circle happen to be
21 mostly African American, some of the
22 low income, some of them have very
23 poor education. And for this
24 applicant to be proposing a facility
25 like this in this location is

0113

1 definitely an injustice. How many
2 of us, seriously, have been in these
3 areas.

4 The Louisiana Department of
5 Environmental Quality in my opinion
6 has failed to do its job. In 1984
7 the Louisiana Supreme Court made a
8 unanimous decision in the case save
9 ourselves versus the Louisiana
10 Environmental Control Commission.
11 The Supreme Court ruled that the
12 Department, which is now the
13 Department of Environmental Quality,
14 can not just sit back like an umpire
15 calling balls and strikes when
16 issues to - like this proposed
17 facility come before it. You can
18 not just weigh and measure what the
19 crowd in this room have to say and
20 what the applicant has to say.

21 You have to, you being the
22 Department of Environmental Quality,
23 have to go out pro-actively and make
24 sure that your job and your
25 decisions are protective of human

0114

1 health and the environment. That
2 you require the applicant to
3 consider alterative sites,
4 alternative projects and alternative
5 processes and that the most
6 environmentally protected and the
7 most protective of human health and
8 the environment have been considered
9 and that the applicant is presenting
10 the most environmentally protective

11 site. I don't believe that's
12 happened in this case.

13 I believe this hearing is
14 probably premature because the
15 applicant and the Department of
16 Environmental Quality have both
17 failed to meet the requirements made
18 up by the Louisiana Supreme Court
19 and by Article Nine Section One of
20 the Louisiana Constitution.

21 That Article was adopted by the
22 United - by Louisiana in 1974 and
23 it says that the Department of
24 Natural Resources of this State
25 include air and water and the

0115

1 helpful scenic, aesthetic and
2 historic qualities of the
3 environment shall be protected,
4 replenished and restored as much as
5 possible consistent with the health,
6 safety and welfare of the people.

7 As said what that means is that
8 the Department of Environmental
9 Quality has to go out there pro-
10 actively and to make sure that the
11 people in this community, the people
12 who have spoken and the other
13 people, that their lives and their
14 property and their resources, their
15 area of water are being protected.

16 I think the agency has failed to
17 do that and I think the applicant
18 has definitely failed to do that.
19 Thank you. And I'll be submitting
20 it written.

21 MR. THERIOT:

22 Thank you, Mr. Fontenot. Let
23 the Record reflect that I'm
24 receiving one exhibit from Ms. Ore.
25 That exhibit will be marked Exhibit

0116

1 1. And accepted into the Record.
2 The next speaker I have is Mr.
3 Frank, is it Brown?

4 MR. BONIFAY:

5 Bonifay.

6 MR. THERIOT:

7 Oh, Bonifay. Okay. Mr.
8 Bonifay?

9 MR. BONIFAY:

10 Thank you. I am Frank Bonifay,
11 the co-founder of Bluff Wildlife
12 Refuge. I live at 36225 Shadow Wood
13 Lane in Prairieville, Louisiana. I
14 am sorry to see you guys here, but
15 I'm so thankful that you guys are
16 here. And if there are any family,
17 oh my God, you guys are it. And 20
18 years may pass and I see you again
19 and maybe not, but there will be
20 children to stand up to protect
21 these lands and the people.

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And, you know, we're American citizens. We have representatives and they have to stand up and protect our human health, our

environment, our water, our air, and it is the people who are standing up and it is our representatives to protect us. And it is the secretary of DEQ, our Governor, to stand up and stop environmental racism.

Why is it today 2008 that we're taking advantage of those least likely to protect themselves? Where is common decency? Guys, we have laws and we must protect one another and there is a common decency among us, among us and as we are protected we will continue to stand. There are issues from as far back as SFI.

20 years ago we walked down the Community Canal, which is the center of Pointe Clare and we met where Community Canal runs into Braud Bayou and Alligator Bayou into Bayou Manchac, held by a lock that holds the basin. And if that lock holds the water of 17,000 acres it can not drain until Manchac is down.

So all these waters that are

right now just trudging out of our sharky clays and into Community Canal, if this dump site was there, would be running down those canals and impacting not only the 285 species of migratory birds, endangered birds and the three active bald eagles, but the crustaceans and the fish, as well as the future generations.

Guys, we're going in the wrong direction. The world's in trouble. We're potentially going to permit a facility with the water shed could contaminate the treasures of the State. Well, we're going to lack treasures. Trees that were here when Christ walked the earth.

You must deny this permit. It is your responsibility to protect the people, the least vulnerable will protect themselves. How dare us to take advantage of these folks who have witnessed impacts year after year? And then what are we

going to leave the children? For God's sake. Is money God?

And are we going to put on a hill which is the build up of 4,800 years of the rivers topping over on to the Pointe Clare area where

there's a highland draining into the low lands into a basin where the Ridge Road Community that I live in, that have water wells that pump out the Aqua First that are going to contain the run off of these horribly placed facilities, for money? I would say that alternative sites is number one. And secondly we are represented by our council and we will be here for 20 years and we will beat this.

And I am so proud Mr. (inaudible) hit the hills and Governor Edwards made sure he was gone. And I have to say that I hope that this wonderful secretary that we have today will read the writing on the wall that the people have

rights and we will not allow the contamination of our community, our land and our future generations to continue. Thank you.

MR. THERIOT:

Thank you, Mr. Bonifay. I'm not quite sure if I'm reading this one correctly. I see a Henry Janice. Flora maybe. Is that a second opinion here? They live at Post Office Box 524 in Carville. How about that?

THE COURT REPORTER:

It's a bunch of names.

MR. THERIOT:

It looks like more than one name on here, but they live in Carville with Post Office Box 524. Is somebody who filled in that address here? I'll mark them as a pass. And at the end of the thing we'll call out the passes and see if somebody hasn't stepped up. Next I have Flora Danielfield. I noticed that Ms. Flora, you're a

councilwoman?

MS. DANIELFIELD:

Yes.

MR. THERIOT:

Okay.

MS. DANIELFIELD:

Good evening. My name is Councilman Flora Danielfield.

MR. THERIOT:

Oh, I was reading my - it's getting late. I apologize.

MS. DANIELFIELD:

Good evening. My name is Councilman Flora Danielfield. My address is 4888 Martin Luther King Parkway in St. Gabriel, Louisiana. I want my community to know that I

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am against the landfill of St.
Gabriel - for St. Gabriel - for
the City of St. Gabriel. I want
them to know anything that I can do
I would be willing to do it. I want
to let you know that I'm against
this landfill.

MR. THERIOT:

Thank you, Councilwoman
Danielfield. I have here Karen
Russelling.

MS. RUSSELLING:

Hello. I think - I came in
late so if I'm not doing the right
thing please let me know. My name
is Karen Russelling. I live at 225
Pecan Drive here in St. Gabriel.
I've lived here almost 20 years. I
know very little about this. I
basically learned about. I'm very
much in opposition to it. I can't
imagine why somebody would want to
put a landfill in a community, but I
do note from the paperwork that I
was given that it's the St. Gabriel
Redevelopment LLC that's doing this
and they're located in Belle Chase
so I think they need to move the
landfill to Belle Chase.

I don't know of any properly
permitted landfills that have
operated properly in St. Gabriel to
my knowledge at least not within

almost 20 years I've lived here. I
do have - Mr. Willie Fontenot did
mention that the water tables in
this area are currently basically at
ground level and I know the sands in
the area which supply water to some
people are also very, very shallow.
I can't imagine why you would want
to put a landfill in such a
location.

I'm very upset over the fact I
didn't see enough - what I feel was
enough notice of this hearing
tonight. I have quite a few friends
that live in that general area. As
a matter of fact, very close to
where this landfill is going to be.
I just went and phoned one of them
and they didn't even know about it.
They had already taken some
medication and they can't come. But
I hope you remember there's quite a
few people more than the ones that
are here this evening that I'm sure
there might be one that would

approve of this, but I can't think
of them. The rest of them would

3 oppose this. I'm going to ask you
4 as my representative because I'm a
5 tax payer, do not approve this
6 permit under any circumstances.

7 I can't imagine why you would
8 want to. And other than that I
9 can't think of anything else I need
10 to say other than I would like to
11 see a show of hands of anybody
12 that's in favor of this so these
13 people could see it. And then a
14 show of hands of those that are
15 opposed to it. Thank you.

16 MR. THERIOT:

17 Thank you, Ms. Russelling.
18 Okay. At this time I don't have
19 anymore signed sheets other than
20 those we've gone through. I'm going
21 to go through them one more time and
22 call out the names in case someone
23 was out of the room and wants to
24 speak. I have Francis Grow. Let
25 the Record reflect that Ms. Grow did

0125
1 not wish to speak. Ben Phillips?
2 Mr. Phillips has not wished to
3 speak. Carol Cerniavis? Ms.
4 Cerniavis is not here doesn't wish
5 to speak. Mary Thomas? Ms. Thomas
6 has failed to - either left or
7 hasn't - is not available to speak.

8 Mr. Steven Carville? Mr.
9 Carville had to leave. Rose
10 Marchand? Ms. Marchand - let the
11 Record reflect that Ms. Marchand has
12 passed as well. And our unknown
13 residents at P.O. Box 524 also
14 failed to respond.

15 Is there anyone who - now we
16 open the mic. If anybody has a
17 short statement that - we don't
18 want to spend too much time. The
19 mic is now opened for someone. You
20 do have to sign a sheet, but you can
21 speak. Anybody would like to speak?

22 MR. MILLER:

23 I would. I have already signed
24 the sheet.

25 MR. THERIOT:

0126
1 Okay.

2 MR. MILLER:

3 To - I live within a two-mile
4 radius.

5 MR. THERIOT:

6 Okay.

7 MR. MILLER:

8 I'll let you know where it's
9 4450 Highway 75 and I would also
10 urge all of you to send in a written
11 response even if it's simply to say
12 I oppose this site because of the
13 weight if it's on paper. And I

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wanted to read out the name of the person that who you should address your letters and that is Ms., and I'll try to pronounce the name correctly, Soumaya Ghosn and that is if you have a pen S-O-U-R-N-A-Y, first name. G-H-O-S-N. Soumaya Ghosn LDEQ Department - Louisiana Department of Environmental Quality, LDEQ, Public Participation Group P.O. Box 4313 Baton Rouge 70821. Now, I repeat myself, Soumaya Ghosn,

S-O-U-R-N-A-Y, LDEQ Public Participation Group Post Office Box 4313 Baton Rouge 70821. Thank you.

MS. HARDY:

Marcia Hardy, I spoke earlier, 4765 Pointe Clare Road, St. Gabriel. I just want to correct very quickly any mis-impression that might have been given. Zoning ordinances and what is in the zoning ordinances is a very important part of permitting applications for these types of facilities.

It's one of the first questions that's asked in a permit application and from the SFI fight that we had I know that it is critically important. I was heavily involved in that and the fact at that time that we had no zoning was a hurdle that we had to get over. We now have zoning and the zoning says the facility, the commercial landfills of any type are not allowed in St. Gabriel. Thank you.

MR. THERIOT:

The mayor wishes to speak.

MR. GRACE:

That's a very good point about the zoning ordinance. And as I said earlier the - and I know the person who made an inference knows what statutory means I say that I City is the statutory authority as it relates to a DEQ - I mean an application for DEQ. Now, what can the City do?

And as I see it, you know, as far as I was concerned this was a facts finding meeting here tonight. This is the first step that's taken in one of these processes before a permit is issued. Now, and I wanted to hear both sides. Because it's not a proper procedure for any official to just make a decision without hearing all the facts from both sides.

When Mr. Cline did not appear

25 tonight that is the first indication
 0129
 1 to me that I should be in opposition
 2 to what he is proposing because I
 3 feel that he should have been here
 4 to present his side. Mistake number
 5 one. But the other thing that we
 6 can actually do is simply have a
 7 resolution of support of the
 8 citizens of St. Gabriel or our
 9 residents in opposition to the
 10 permit based on the fact that in our
 11 zoning ordinance we do have a
 12 prohibition for landfills within the
 13 City limits of St. Gabriel. But I
 14 want to caution you on this, the
 15 State, while that could very well be
 16 a great influence on whatever is
 17 decided by DEQ, but local law does
 18 not supercede State Law. But as
 19 far as bringing forth a resolution
 20 in support of the citizens of St.
 21 Gabriel of what you have said
 22 tonight, I would urge that the
 23 council would do so.

24 The fact that I want to
 25 emphasize is that that is not a
 0130
 1 decision that the council or the
 2 mayor of the City of St. Gabriel has
 3 within his power. And I don't want
 4 anybody to say - in here saying
 5 that, you know, that the City is
 6 going to stop this permit from being
 7 approved. It's up to DEQ and as the
 8 gentleman gave all the addresses to
 9 written to, I would urge you to do
 10 that. I would urge you to do that.
 11 And as far as the City, we will
 12 hopefully pass this resolution and
 13 send it to the same addresses that
 14 you would send your comments.
 15 But in terms of statutory
 16 responsibility we can not. I don't
 17 want you to have no misconception
 18 here. We can not say, "Okay, you
 19 can't have that permit in the City
 20 of St. Gabriel because the city
 21 council will not allow you." That
 22 - it doesn't work that way. So,
 23 that - yes?

24 MR. THERIOT:

25 Okay. I don't have any more
 0131
 1 sign up sheets. Is there anyone who
 2 wishes to make a comment before I
 3 enter my closing remarks? Okay.
 4 Let the Record reflect that no one
 5 has - wishes to speak any further.
 6 Before going on I would like to
 7 say one thing and I haven't said it
 8 but we have to read into the Record
 9 just like I did at the very

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beginning certain things. But I could see here this is the die hard folks here, are still here tonight. It's late. I'm only an attorney, I know nothing about this particular permit at all. When they appointed me to be here I didn't know any of this. But I will tell you this, it is always a pleasure to come out and have ordinary citizens take part in their government decisions.

We are - we along with just a few other countries in the world, because I did have a Canadian come tell me they do it in Canada, are unique in that we have meetings like

this and every American should think about it for a little while.

This is what real democracy is. Real democracy is coming to these meetings and taking a position. We don't shoot each other, we don't get in fights, we don't yell and scream. We take part and listen to comments. I think it's important to remember that.

As I was driving into town I drove by and I saw some yellow ribbons around a house with a welcome home sign. We are trying to teach other people in the world how to do the things that we take for granted. So, I would like to thank each and every one of you for coming out here and taking part in your government. That's important. The day we don't come out is the day that we really are in trouble. So, I want to thank each - it's kind of like jury duty, it's a tough thing you have to do.

I never get to serve on the jury, as a lawyer it's very - we don't get to do it too often but I will tell you that it's a pleasure to come to these communities as we do this state wide and see people take part in their government. So, with that I'll go ahead and read the comment - the remarks we have at the end.

I would like to remind each and every one of you that the comment period for the technically complete Type III solid waste permit application for St. Gabriel Redevelopment LLC St. Gabriel Redevelopment Type III Construction and Demolition Debris Landfill and Environmental Assessment Statement, EAS, ends at 12:30 p.m. Monday, June

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9, 2008. All comments received requesting notification of a final decision and the transcript from the hearing are processed by the Public Participation Group and are

available on EDMS. That's on our website.

The permit writer reviews all comments and uses any additional information that is appropriate to update the permitting information. The names and addresses of all the commentators, speakers and those requesting to be notified of the final decision are added to the public comment data base.

A final draft of the permit and the response to the public comments are prepared and forwarded to the OES Assistant Secretary for final approval. Upon issuance of a permit a letter is mailed to all the commentators, speakers and those who requested to be notified of the final decision. The final decision includes the process, the basis of the decision and response to all the public comments that have been received.

We have received one exhibit

from Mary Lee Ore during the hearing. If there are any other - if there are no other comments, I would like to thank you for attention and participating in here and I would like the Record to reflect that the time is 8:48 and the hearing is closed.

(The Hearing was concluded at 8:48 p.m.)

R E P O R T E R ' S P A G E

I, Tara Torres, Certified Court Reporter, in and for the State of Louisiana, the officer, as defined in Rule 28 of the Federal Rules of Civil

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6 Procedure and/or Article 1434(b) of the
7 Louisiana Code of Civil Procedure,
8 before whom this sworn testimony was
9 taken, do hereby state on the Record:

10 That due to the interaction in
11 the spontaneous discourse of this
12 proceeding, dashes (--) have been used
13 to indicate pauses, changes in thought,
14 and/or talkovers; that same is the
15 proper method for a Court Reporter's
16 transcription of proceeding, and that
17 the dashes (--) do not indicate that
18 words or phrases have been left out of
19 this transcript;

20 That any words and/or names
21 which could not be verified through
22 reference material have been denoted
23 with the phrase "(phonetic)."
24

25 Tara Torres, CCR

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1 Certified Court Reporter
2 C E R T I F I C A T E
3

4 This certification is valid only for a
5 transcript accompanied by my original signature
6 and original raised seal on this page.

7 That this testimony was reported by me in
8 the Stenomask method (voice-writing), was
9 prepared and transcribed by me or under my
10 personal direction and supervision, and is a
11 true and correct transcript to the best of my
12 ability and understanding;

13 That I am not related to counsel or to the
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15 the outcome of this matter; and am a valid
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